

## DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION\*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

**TOPIRAMATE SALTS AND COMPOSITIONS COMPRISING AND METHODS OF MAKING AND USING THE SAME**

and for which a patent application:

☒ is attached hereto and includes amendment(s) filed on *(if applicable)*

☐ was filed in the United States on as Application No. *(for declaration not accompanying application)*

with amendment(s) filed on *(if applicable)*

☐ was filed as PCT international Application No. on and was amended under PCT Article 19 on *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION |         |                                      |  |
|--|---------|--------------------------------------|--|
| APPLICATION NUMBER   | COUNTRY | DATE OF FILING<br>(day, month, year) | PRIORITY<br>CLAIMED                                      |
|  |         |                                      | YES <input type="checkbox"/> NO <input type="checkbox"/> |
|  |         |                                      | YES <input type="checkbox"/> NO <input type="checkbox"/> |
|  |         |                                      | YES <input type="checkbox"/> NO <input type="checkbox"/> |

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

| PROVISIONAL APPLICATION NUMBER | FILING DATE       |
|--------------------------------|-------------------|
| 60/356,764                     | February 15, 2002 |
| 60/380,288                     | May 15, 2002      |
|                                | August 30, 2002   |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| NON-PROVISIONAL<br>APPLICATION SERIAL NO. | FILING DATE | STATUS   |         |           |
|---|-------------|----------|---------|-----------|
|   |             | PATENTED | PENDING | ABANDONED |
|   |             |          |         |           |
|   |             |          |         |           |
|   |             |          |         |           |

\* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|             |                           |                               |                                |  |
|-------------|---------------------------|-------------------------------|--------------------------------|--|
| 2<br>0<br>1 | FULL NAME OF INVENTOR     | LAST NAME<br>Almarsson        | FIRST NAME<br>Örn              | MIDDLE NAME                              |
|             | RESIDENCE & CITIZENSHIP   | CITY<br>Shrewsbury            | STATE OR FOREIGN COUNTRY<br>MA | COUNTRY OF CITIZENSHIP<br>USA            |
|             | POST OFFICE ADDRESS       | STREET<br>22 Farmington Drive | CITY<br>Shrewsbury             | STATE OR COUNTRY<br>MA                   |
|             | SIGNATURE OF INVENTOR (1) |                               |                                | DATE<br>September 2 <sup>nd</sup> , 2002 |
| 2<br>0<br>2 | FULL NAME OF INVENTOR     | LAST NAME<br>Remickler        | FIRST NAME<br>Jules            | MIDDLE NAME                              |
|             | RESIDENCE & CITIZENSHIP   | CITY<br>Framingham            | STATE OR FOREIGN COUNTRY<br>MA | COUNTRY OF CITIZENSHIP<br>USA            |
|             | POST OFFICE ADDRESS       | STREET<br>9 Eaton Road        | CITY<br>Framingham             | STATE OR COUNTRY<br>MA                   |
|             | SIGNATURE OF INVENTOR (2) |                               |                                | DATE<br>02-SEP-2002                      |
| 2<br>0<br>3 | FULL NAME OF INVENTOR     | LAST NAME<br>Peterson         | FIRST NAME<br>Matthew          | MIDDLE NAME<br>L                         |
|             | RESIDENCE & CITIZENSHIP   | CITY<br>Framingham            | STATE OR FOREIGN COUNTRY<br>MA | COUNTRY OF CITIZENSHIP<br>USA            |
|             | POST OFFICE ADDRESS       | STREET<br>60 Linda Avenue     | CITY<br>Framingham             | STATE OR COUNTRY<br>MA                   |
|             | SIGNATURE OF INVENTOR (3) |                               |                                | DATE<br>September 2 <sup>nd</sup> , 2002 |
| 2<br>0<br>4 | FULL NAME OF INVENTOR     | LAST NAME                     | FIRST NAME                     | MIDDLE NAME                              |
|             | RESIDENCE & CITIZENSHIP   | CITY                          | STATE OR FOREIGN COUNTRY       | COUNTRY OF CITIZENSHIP                   |
|             | POST OFFICE ADDRESS       | STREET                        | CITY                           | STATE OR COUNTRY                         |
|             | SIGNATURE OF INVENTOR (4) |                               |                                | DATE                                     |
| 2<br>0<br>5 | FULL NAME OF INVENTOR     | LAST NAME                     | FIRST NAME                     | MIDDLE NAME                              |
|             | RESIDENCE & CITIZENSHIP   | CITY                          | STATE OR FOREIGN COUNTRY       | COUNTRY OF CITIZENSHIP                   |
|             | POST OFFICE ADDRESS       | STREET                        | CITY                           | STATE OR COUNTRY                         |
|             | SIGNATURE OF INVENTOR (5) |                               |                                | DATE                                     |

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Orn Almarsson et al.

Group Art Unit: 1614

App. No. : 10/295,995

Filed : November 18, 2002

For : **TOPIRAMATE SALTS AND  
COMPOSITIONS COMPRISING  
AND METHODS OF MAKING  
AND USING THE SAME**

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

May 23, 2003  
(Date)  
Jacqueline M. U.

Examiner : Unknown

**REVOCATION AND NEW POWER OF ATTORNEY BY ASSIGNEE AND  
EXCLUSION OF INVENTOR(S) UNDER 37 CFR 3.71 WITH STATEMENT UNDER 37  
CFR 3.73 (b)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Transform Pharmaceuticals, Inc., the assignee of the entire right, title, and interest in the above-captioned application, hereby revokes all previous Powers of Attorney, and hereby appoints as its attorneys and agents: John M. Lucas, Reg. No. 43,373 of Transform Pharmaceuticals, Inc.; David R. Saliwanchik, Reg. No. 31,794; Jeff Lloyd, Reg. No. 35,589; Doran R. Pace, Reg. No. 38,261; Jay M. Sanders, Reg. No. 39,355; Jean Kyle, Reg. No. 36,987; James S. Parker, Reg. No. 40,119; Frank C. Eisenschenk, Reg. No. 45,332; Glenn P. Ladwig, Reg. No. 46,853; Margaret Efron, Reg. No. 47,545; Gwendolyn L. Daniels, Reg. No. 51,594; John M. Sanders, Reg. No. 30,126, whose addresses are 2421 N.W. 41<sup>st</sup> Street, Suite A-1, Gainesville, FL 32606-669, all of Saliwanchik, Lloyd & Saliwanchik, Customer ID Number 23,557 with full power of substitution, association, and revocation, to prosecute said application and to transact all business in the United States Patent and Trademark Office connected

therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 CFR 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Saliwanchik, Lloyd & Saliwanchik as a partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Please direct all correspondence to:

**Customer No. 23,557**  
Saliwanchik, Lloyd & Saliwanchik  
2421 N.W. 41<sup>st</sup> Street, Suite A-1  
Gainesville, FL 32606-6669

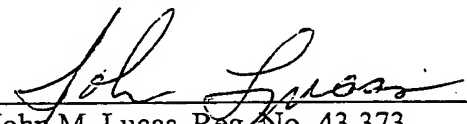
**Statement Under 37 CFR 3.73(b)**

Transform Pharmaceuticals, Inc. states that it is the assignee of the entire right, title, and interest in the patent application/patent identified above by virtue of an assignment filed May 22, 2003. (copy enclosed)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

ASSIGNEE:  
Transform Pharmaceuticals, Inc.

Dated: 5/23/03

By:   
John M. Lucas, Reg. No. 43,373

Title: Vice President and Chief Patent Counsel

Address: 29 Hartwell Avenue  
Lexington, MA 02421

FORM PTO-1595

## RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

(Rev. 6-93)

## PATENTS ONLY

Patent and Trademark Office

OMB No. 0651-0011 (exp. 4/94)

Attorney Docket: TPIP012B

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Om Almarsson, Jules Remenar, Matthew L. Peterson

Additional name(s) of conveying party(ies) attached? Yes ☒ No

## 3. Nature of conveyance:

☒ Assignment ☐ Merger

Execution Date(s): 5/5/2003

## 2. Name and address of receiving party(ies)

Name: Transform Pharmaceuticals, Inc.

Internal Address: Intellectual Property Department

Street Address: 29 Hartwell Avenue

City: Lexington State: MA ZIP: 02421

Additional name(s) & address(es) attached? Yes ☐ No ☒

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \*\*\*

A. Patent Application No.(s) 10/232,589

B. Patent No.(s)

Additional numbers attached? Yes ☐ No ☒

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Transform Pharmaceuticals, Inc.

Internal Address: Intellectual Property Department

Street Address: 29 Hartwell Avenue

City: Lexington State: MA ZIP: 02421

## 6. Total number of applications and patents involved: 1

## 7. Total Fee (37 CFR 3.41) ..... \$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

## 8. Deposit Account No.

\*\*\*

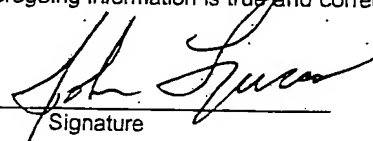
DO NOT USE THIS SPACE

## 9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

John M. Lucas

Name of person signing



Signature

5/22/03

Date

Total number of pages including cover sheet, attachments, and document: 3

ASSIGNMENT

WHEREAS, WE, ÖRN ALMARSSON, JULES REMENAR and MATTHEW L. PETERSON, ASSIGNORS, citizens of the United States, residing at 22 Farmington Drive, Shrewsbury, MA 01545, 9 Eaton Road, Framingham, MA 01701 and 60 Linda Avenue, Framingham, MA 01701, respectively, are the inventors of the invention in TOPIRAMATE SODIUM TRIHYDRATE for which we have executed an application for a Patent of the United States

- ☒ which is executed on ☐ even date herewith or ☒ September 2, 2002
- ☒ which is identified by Pennie & Edmonds LLP docket no. 10436-058
- ☒ which was filed on September 3, 2002, Application No. 10/232,589
- ☐ We hereby authorize and request our attorney, , of Pennie & Edmonds, LLP, , to insert here in parentheses (Application number, \_\_\_\_\_ filed \_\_\_\_\_) the filing date and application number of said application when known.

and WHEREAS, TRANSFORM PHARMACEUTICALS, INC., ASSIGNEE is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date 5<sup>th</sup> May 2003, 2003

State of Massachusetts,  
County of Middlesex ) SS.:  
)

Örn Almarsson  
L.S.

On 5<sup>th</sup> May, 2003, before me, Debra Kara S. Durland Notary Public, personally appeared Örn Almarsson, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Debra Kara S. Durland

My commission expires: March 15, 2007

Date 05-MAY-2003, 2003

  
Jules REMENAR

L.S.

State of Massachusetts

) SS.:

County of Middlesex

On 5th May

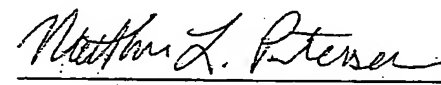
, 2003, before me, Debra Karas Kirkland

Notary Public, personally appeared Jules REMENAR personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Debra Karas Kirkland

Date 5 April 2003, 2003

  
Matthew L. PETERSON

L.S.

State of Massachusetts

) SS.:

County of Middlesex

On 5th May

, 2003, before me, Debra Karas Kirkland

Notary Public, personally appeared Matthew L. PETERSON, personally known to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Debra Karas Kirkland

## **ASSIGNEE INFORMATION**

The subject application (Attorney Docket No. TPI-T1200C2Z3; inventors **Örn Almarsson, Julius L. Remenar, and Matthew L. Peterson**; entitled **"Topiramate Salts and Compositions Comprising and Methods of Making and Using the Same"**) has been assigned to:

**TransForm Pharmaceuticals, Inc.**  
29 Hartwell Avenue  
Lexington, MA 02421